STATE OF MICHIGAN COURT OF APPEALS

INDEPENDENT BANK,

UNPUBLISHED October 20, 2011

Plaintiff-Appellant,

 \mathbf{v}

No. 299492 Oakland Circuit Court LC No. 2010-107922-CK

ALLISON STEIN IRREVOCABLE TRUST and ALLISON STEIN,

Defendants-Appellees.

Before: FORT HOOD, P.J., AND HOEKSTRA AND METER, JJ.

HOEKSTRA, J. (CONCURRING).

Because according to its own terms, the assets of the Allison Stein Irrevocable Trust were distributed and the trust terminated before the commencement of this action, I conclude that plaintiff's reliance on provisions of the Michigan Trust Code, MCL 700.7101 *et. seq.*, to establish a basis for asserting jurisdiction over either of defendants in this case is unavailing. Consequently, I concur with the result of the majority that affirms the trial court's grant of summary disposition.

/s/ Joel P. Hoekstra